

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action dated January 2, 2004. Claims 1-8 are currently pending in the application. As indicated above, Claims 6 and 7 have been amended.

In the Office Action, the Examiner has rejected Claims 6-8 under 35 U.S.C. § 112, second paragraph, Claims 6-7 under 35 U.S.C. § 102(e) as being anticipated by *Smith et al.* (U.S. 5,923,327), Claims 1-7 under 35 U.S.C. § 103(a) as being unpatentable over *Smith* in view of *Smethers* (U.S. 6,463,304 B2), and Claim 8 under 35 U.S.C. § 103(a) as being unpatentable over *Smith* in view of *Kenagy et al.* (U.S. 5,842,124).

With regard to the rejection of Claims 6-8 under 35 U.S.C. § 112, second paragraph, the Examiner cites a few antecedent basis informalities. As indicated above, Claims 6 and 7 have been amended to correct these informalities. Therefore, it is respectfully requested that the rejection of Claims 6-8 under 35 U.S.C. § 112, second paragraph, be withdrawn.

With regard to the rejections of independent Claim 6 under 35 U.S.C. § 102(e) as being anticipated by *Smith*, the Examiner asserts that *Smith* teaches all the recitations of Claim 6. It is respectfully submitted that the Examiner is incorrect.

As shown above, independent Claim 6 is directed to a method for editing a main menu configuration in a mobile telephone. The method of Claim 6 comprises: displaying a menu edit screen, if a menu edit submenu is selected; displaying a menu configuration submenu, if a menu configuration edit submenu is selected; editing a menu configuration by newly selecting submenus of the menu configuration submenu; inputting titles of the newly selected submenus; and storing the edited menu configuration with a title input by a user. It is respectfully submitted that *Smith*, and more specifically, the sections of *Smith* cited by the Examiner, are directed to entering fields of an electronic business card (EBC). It is respectfully submitted that there is no section of *Smith* that

teaches the recitations for editing a main menu configuration as recited in Claim 6. Therefore, it is respectfully submitted that the Examiner is incorrect in rejecting independent Claim 6 as being anticipated by *Smith*, and it is respectfully requested that this rejection of Claim 6 be withdrawn.

Additionally, as indicated above, the Examiner has also rejected Claim 6 under 35 U.S.C. § 103(a) as being unpatentable over *Smith* in view of *Smethers*. However, the Examiner has provided no explanation of this rejection. Therefore, it is assumed that the Examiner erroneously listed Claim 6 in the rejection under 35 U.S.C. § 103(a), and no argument is presented regarding Claim 6 and *Smith* in view of *Smethers*.

With regard to independent Claims 1 and 4, which were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Smith* in view of *Smethers*, the Examiner asserts that the combination of *Smith* in view of *Smethers* teaches all the recitations of Claims 1 and 4. It is respectfully submitted that the Examiner is incorrect.

Both independent Claims 1 and 4 recite downloading menu icon data. However, it is respectfully submitted that neither *Smith* nor *Smethers* teach this feature of Claims 1 and 4. Although the Examiner cites col. 11, lines 15-16 and col. 6, lines 61-62 as teaching this recitation, it is respectfully submitted that these sections merely teach downloading electronic business cards (EBCs) including contact information of other people, not downloading menu icon data. Therefore, it is respectfully submitted that the Examiner is incorrect in rejecting independent Claims 1 and 4 as being unpatentable over *Smith* in view of *Smethers*, and it is respectfully requested that the rejection of Claims 1 and 4 be withdrawn.

Accordingly, because independent Claims 1, 4, and 6 are believed to be in condition for allowance, dependent Claims 2-3, 5, and 7-8 are also believed to be in condition for allowance as being dependent upon Claims 1, 4, and 6, respectively.

In view of the preceding remarks, it is respectfully submitted that all pending claims, namely Claims 1-8, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, NY 11553
Tel: (516) 228-8484
Fax: (516) 228-8516
PJF/DMO/lah